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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Yongwei CAO *et al.*

Appln. No.: 09/404,520

Filed: September 23, 1999

Title: *Emericella nidulans* Genome Sequence
and Uses Thereof

Art Unit: 1656

Examiner: T. E. STRZELECKA

Atty. Docket: 16517.081

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**Notice of Appeal from the Examiner to the
Board of Patent Appeals and Interferences**

Commissioner for Patents

Washington, DC 20231

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner dated December 28, 2001, that resulted in Applicants having claims that have been twice or finally rejected.

Arnold & Porter check no. 9201263 submitted herewith includes payment of the fee of \$320.00 for filing a Notice of Appeal from the Examiner to the Board of Patent Appeals and Interferences (37 C.F.R. § 1.17(b)). In the event that extensions of time under 37 C.F.R. § 1.136 other than those otherwise provided for in the papers accompanying this Notice are required to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 50-1824, referencing docket number 16517.081. A duplicate copy of this Notice is attached.

Respectfully submitted,

David R. Marsh (Reg. No. 41,408)
Holly Logue Prutz (Reg. No. 47,755)

Date: June 28, 02

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